

WEST VALLEY CITY

RESOLUTION NO. _____

A RESOLUTION APPROVING AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND XO COMMUNICATIONS THAT WILL ALLOW XO COMMUNICATIONS TO INSTALL, OPERATE, AND MAINTAIN TWO 1.25-INCH HDPE CONDUITS ON PROPERTY OWNED BY WEST VALLEY CITY.

WHEREAS, West Valley City owns certain real property encumbered by an easement owned by the U.S. Department of the Interior; and

WHEREAS, West Valley City desires to allow XO Communications to install a two 1.25-Inch HDPE Conduits ("Conduits") on said property, and installation of the conduit may not occur without an encroachment on the easement; and

WHEREAS, the U.S. Department of the Interior agreed to allow said encroachment for the installation of the conduits; and

WHEREAS, an Easement Encroachment Agreement ("Agreement") has been prepared for execution by and between the City, the U.S. Department of the Interior and XO Communications. This Agreement, which is attached hereto sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

WHEREAS, the City Council of the West Valley City hereby determines that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City for the City Council to approve the attached Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the West Valley City that the Agreement is hereby approved in substantially the form attached and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City, subject to approval of the final form of the Agreement by the City Manager and the City Attorney's Office.

PASSED, APPROVED and MADE EFFECTIVE this ____ day of _____, 2009.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER